

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, MAY 17, 2006 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Paul Da Veiga, Rami Talleh, Ron Santos, Ramona Kohlmann (recording secretary)

MINUTES: April 12 and 26, 2006
May 2, 2006
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2006-004 (BARON & BARON INDUSTRIAL BUILDING)

APPLICANT: K. L. Charles Architects, Inc., 12631 E. Imperial Highway
Ste E-111, Santa Fe Springs, CA 90670-4758

PROPERTY OWNER: Peter Baron, 15321 Transistor Lane, Huntington Beach, CA 92649

REQUEST: To permit the construction of a 23,708 sq. ft. industrial office/warehouse building on a vacant 47,916 sq. ft. lot.

LOCATION: 15462 Electronic Lane (northeast corner of Electronic Street and Mc Fadden Avenue)

PROJECT PLANNER: Paul Da Veiga

Paul Da Veiga, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the suggested modifications to the plans.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. No written or verbal comments were received in response to the public notification.

THE PUBLIC HEARING WAS OPENED.

Peter Baron, 15321 Transistor Lane, property owner, voiced opposition to the suggested condition for a 7.5-foot dedication along the westerly property line. Mr. Baron proposed options to the dedication or a possible compromise.

Mike Adams, 21190 Beach Boulevard, spoke on behalf of the applicant and suggested a compromise to the dedication by reducing the landscaping. Mr. Adams stated that in the

alternative a continuance would be needed in order to adjust the building plans. He presented an aerial photograph of the subject property and surrounding properties stating that dedication is not a requirement.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mary Beth Broeren, Zoning Administrator, and staff reviewed the project plans. Discussion ensued concerning the landscaping, right-of-way with dedication, and reasons for the suggested condition including the General Plan's update increasing the right-of-way.

Ms. Broeren stated that she was going to approve the request with modifications to the findings and conditions below. She instructed the applicant to work with the Public Works Department or pursue a variance.

Modify Suggested Finding for Approval No. 2:

2. The conditional use permit will be compatible with surrounding uses because the ~~surrounding area is developed with similar industrial uses and the~~ site planning and design follows the pattern of building placement established by surrounding properties. In addition the project is designed with high quality materials and adequate landscaped setbacks.

Deleted: industrial

Modify Suggested Condition of Approval No. 1.a:

- a. The plans shall be modified to provide a 7.5-foot dedication along the westerly property line unless determined that an offer to dedicate or other means as determined by the Department of Public Works is acceptable in-lieu of dedication.

CONDITIONAL USE PERMIT NO. 2006-004 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15332 of the CEQA Guidelines, because the project occurs on a site that is less than five acres in size, in an already urbanized area of the city. The site can be adequately served by all required utilities and public services.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-004:

1. Conditional Use Permit No. 2006-04 to permit construction of a 23,708 sq. ft. industrial office/warehouse building on a vacant 47,916 sq. ft. lot will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed site planning and building design will achieve a high level of quality. The project incorporates well-designed architecture with quality materials, offset rooflines, and a prominent building entrance. A 20 ft. wide landscape planter is provided along Mc Fadden Avenue. The loading area is located

within the interior of the site and will be screened from view along Mc Fadden Avenue. Adequate off-street parking will be provided. The project will improve the subject site with a modern industrial development.

2. The conditional use permit will be compatible with surrounding uses because the surrounding area is developed with similar industrial uses and the site planning and design follows the pattern of building placement established by surrounding properties. In addition the project is designed with high quality materials and adequate landscaped setbacks.
3. The proposed Conditional Use Permit No. 2006-004 will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The project meets or exceeds all minimum development standards including setbacks, building height, floor area ratio, parking, and landscaping percentage.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of I-F2-d-sp (Industrial – 0.5 maximum floor area ratio – design overlay – specific plan) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Policy LU 12.1.4: Require that new and recycled industrial projects be designed and developed to achieve a high level of quality, distinctive character, and be compatible with existing uses.

Policy LU 12.1.5: Require that new and recycled industrial structures and sites be designed to convey visual interest and character and to be compatible with adjacent uses.

Policy 1.1.9: Require that heavy truck and vehicle access be controlled to minimize potential impacts on adjacent residential neighborhoods and commercial districts.

The proposed project is designed in conformance with the City's Urban Design Guidelines, including features such as a screened loading area, decorative site entry paving, and building façade and roof articulation.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-004

1. The site plan, floor plans, and elevations received and dated February 1, 2006 shall be the conceptually approved design with the following modifications:
 - a. The plans shall be modified to provide a 7.5-foot dedication along the westerly property line unless determined that an offer to dedicate or other means as determined by the Department of Public Works is acceptable in-lieu of dedication.
 - b. The height of the screen wall at the loading dock shall be increased to match the height of the roll-up door. The colors and materials of the screen wall shall match the design, colors, and materials of the building.
 - c. The rooftop element providing access to roof equipment shall be reduced in height so as to not be visible from surrounding streets or adjacent properties.

- d. Vertical offsets shall be incorporated along the southerly and easterly facades as identified by staff on the elevation plans dated March 16, 2006.
- e. Decorative paving shall be provided at the entrance to the site and shall span the width of the driveway with a minimum dimension of 25 feet in depth.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof

ITEM 2: TEMPORARY USE PERMIT NO. 2006-001 (BELLA TERRA MALL GRAND OPENING EVENT)

APPLICANT: Patricia Rogers, 7777 Edinger Avenue Ste 133, Huntington Beach, CA 92647
 PROPERTY OWNER: DJM Capital Partners Inc., Bella Terra Associates, LLC, 109 S. La Cumbre Lane, Santa Barbara, CA 93105
 REQUEST: To permit a one-day outdoor event on September 9, 2006, consisting of live entertainment, food tasting, beer and wine tasting, merchandise booths, and various skateboard demonstrations within the Bella Terra Mall parking lot.
 LOCATION: 7777 Edinger Avenue (north side of Edinger Avenue, west of Beach Boulevard)
 PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, stated that the applicant has requested a continuance to a date uncertain in order to modify the request.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the request would be re-advertised.

AS THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST THE PUBLIC HEARING WAS NOT OPENED

TEMPORARY USE PERMIT NO. 2006-001 WAS CONTINUED TO A DATE UNCERTAIN AT THE APPLICANT'S REQUEST WITH THE PUBLIC HEARING OPEN.

ITEM 3: COASTAL DEVELOPMENT PERMIT NO. 2006-006 / CONDITIONAL USE PERMIT 2006-013 (WASLEY RESIDENCE)

APPLICANT: Phil Edmondson, 2600 Newport Beach Boulevard #114, Newport Beach, CA 92663
PROPERTY OWNER: Jesse and Patricia Wasley, 16272 Wayfarer Lane, Huntington Beach, CA 92649
REQUEST: **CDP:** To permit the construction of a three-story, 5,592 sq. ft. single-family residence. **CUP:** To permit a dwelling with a 495 sq. ft. third floor, two third-story decks, and an overall building height of 33 ft. 4 inches. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.
LOCATION: 16272 Wayfarer Lane (east side of Wayfarer Lane, north of Humboldt Drive)
PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the suggested modifications to the project plans.

Staff stated that with the suggested window offsets the proposed project would be in compliance with the Infill Lot Ordinance. Staff stated that the applicant has been advised of the modifications to the project plans and that they have stated the ability to comply.

Staff stated that one letter was received from a neighboring property owner opposing the request because of the building height. One inquiry was conducted at the Zoning counter from the property owner to the south of the subject site stating concerns related to loss of sunlight.

Mary Beth Broeren, Zoning Administrator, asked if a response has been received from the homeowner's association (HOA). Staff stated that the HOA recommended against approval of the proposed project.

Ms. Broeren stated that she received and reviewed two letters from neighboring property owners concerning window locations.

THE PUBLIC HEARING WAS OPENED.

John Wilde, 16272 Wayfarer Lane, neighboring property owner, presented two letters. Mr. Wilde stated support of the proposed project.

Mary Hauk, 16266 Wayfarer Lane, neighboring property owner, questioned the meaning of a footprint, voiced concerns related to window alignment and obscure vs. clear glass, location of the proposed deck, location of the jacuzzi, loss of privacy, and loss of a clear view to the sky.

Phil Edmondson, 2600 Newport Beach Boulevard #114, Newport Beach, applicant, spoke on behalf of the proposed project, urged the Zoning Administrator's approval, emphasized their attempts to comply with criteria set forth by the City's codes, and extended thanks to staff.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ms. Broeren engaged in discussions with staff and the applicant concerning window alignments and offsets as set forth in the suggested conditions of approval modifying the project plans.

Ms. Broeren stated that she was going to approve the request because the proposed project complies with the Infill Lot Ordinance, is allowed by the conditional use permit, and because the third story element is consistent with code and setback requirements.

Ms. Broeren advised Ms. Hauk that if further clarification is needed, staff is available to answer questions.

COASTAL DEVELOPMENT PERMIT NO. 2006-006 / CONDITIONAL USE PERMIT 2006-013 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of the construction of a single family home.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2006-006:

1. Coastal Development Permit No. 2006-006 for the construction of a three-story, 5,592 sq. ft. single-family residence, as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program Land Use designation of Residential Low-Density. The proposed project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed dwelling will be located on a previously developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable development regulations, including maximum building height and minimum yard setbacks. The project is conditioned to comply with the maximum site coverage and minimum landscaping requirements.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources. In addition, the project is subject to payment of required park fees, to be used for acquiring and maintaining public parkland for recreational use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-013:

1. Conditional Use Permit No. 2006-013 for the construction of a dwelling with a 495 sq. ft. third floor, two third-story decks, and an overall building height of 33 ft. 4 inches will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The third story addition is concealed within the second story roof volume and setback 5 ft. from the first and second story façade to minimize building mass and bulk. In addition, the third story windows are oriented away from the adjacent residences to preserve their privacy. The third story decks are oriented toward the public right-of-ways only and screened from abutting residences. Access to the third story deck is provided from within the dwelling.
2. The conditional use permit to construct a three story single family home will be compatible with surrounding uses because the proposed three story home is designed to appear as a two-story home with dormer windows. Furthermore, the third story addition is similar in design, materials, and massing as other dwellings existing in the surrounding neighborhood. In addition, several other single-family homes with similar designs have been constructed within the neighborhood. Furthermore, the third story decks are setback five feet from the building exterior and are located below the highest point of the second story roof.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including parking requirements, maximum building height, minimum yard setbacks, and third-story design criteria. The project is conditioned to comply with the maximum lot coverage and minimum front yard landscaping.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL (Residential Low Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - LU 9.2.1: Require that all new residential development within existing neighborhoods be compatible with existing structures, including the:
 - LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with surrounding development;
 - LU 9.2.1c: Maintenance of privacy on abutting residences.

The proposed dwelling will comply with maximum building height permitted in the RL zone with a conditional use permit. The proposed third-story and third-story decks will be setback from the first and second-story façade as required by the HBZSO, thus minimizing the building massing, and is designed in compliance with the City's third-story design standards. No third-story windows or deck areas are oriented toward adjoining properties.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2006-006 /
CONDITIONAL USE PERMIT NO. 2006-013:**

1. The site plan, floor plans, and elevations received and dated March 28, 2006, shall be the conceptually approved design with the following modifications:
 - a. The lot coverage shall be reduced to a maximum of 50%. Final design of the building layout shall be reviewed and approved by the Planning Department.
 - b. The site plan (Sheet No. 3) shall be modified to identify all second story windows on the subject site.
 - c. Note No. 2 on the site plan (Sheet No. 3) shall be modified to indicate that all work on the cantilevered deck shall require separate building permits.
 - d. The windows in Bedroom No. 3, the Master Bedroom, walk-in-closet, and master bath on the second floor shall be offset from second story windows on the adjacent single-family homes. Final design of the windows shall be reviewed and approved by the Planning Department.
 - e. The first floor plan (Sheet No. 5) shall be modified to show the minimum required interior dimensions of the three-car garage (27' wide by 19' deep).
 - f. Provide additional landscaping within the front yard to comply with the minimum required amount of 282 sq. ft. of landscaping within the front yard setback.
 - g. The third floor plan and roof plan (Sheet Nos. 7 and 8) shall be modified to indicate the correct scale (1/4"=1'-0").
 - h. The title sheet (Sheet No. 1) shall be modified to provide the correct Assessors Parcel Number (178-034-73) and correct height limit (35).
2. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department
 - b. Zoning entitlement conditions of approval identified herein and code requirements, shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council,

Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 4: CONDITIONAL USE PERMIT NO. 2006-009 (GOLD'S GYM EXPANSION)

APPLICANT: Michael C. Adams Associates, 21190 Beach Boulevard,
Huntington Beach, CA 92648
PROPERTY OWNER: Jodyne Roseman, PO Box 382, Huntington Beach, CA
92648-0382
REQUEST: To permit a 3,580 sq. ft. expansion of an existing health club into
an adjacent commercial suite.
LOCATION: 8875 Adams Avenue (northwest corner of Adams Avenue and
Magnolia Street)
PROJECT PLANNER: Ron Santos

Ron Santos, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the parking and hours of operation.

Staff stated that Code Enforcement received complaints from a neighboring resident concerning noise from loud music, banging of weights, and excessively loud voices when the northern back doors to the gym are open.

Staff stated that Code Enforcement has issued no formal citation and that the subject facility has attempted voluntary compliance. Staff stated that Code Enforcement has recommended a condition that the doors remain closed during business hours and a City building inspector stated that the potential exists for noise related nuisance.

Staff stated that a standard condition of approval for commercial uses with the potential for noise impacts to adjacent residential is that doors remain closed during business hours.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outline in the executive summary. No written or verbal comments were received in response to the public notification. No unique conditions have been suggested by the City Building or Fire departments.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and inquired into the nature of the use for the proposed expanded area.

THE PUBLIC HEARING WAS OPENED.

Sylvia Pompura, 8872 Clipper Drive, neighboring property owner, stated that she has called Code Enforcement on numerous occasions concerning the daily noise related nuisance that takes place all day long. Ms. Pompura pleaded for peace and quiet by having the gym doors remain closed.

Mike Strange, 21160 Beach Boulevard, spoke on behalf of the applicant stating that rubberized weights and flooring help to minimize the noise. Mr. Strange stated that the problem of poor

circulation necessitates the opening of the back doors. Mr. Strange urged the Zoning Administrator to approve the request and suggested the back doors be open during the hours of 10:00 a.m. and 3:00 p.m.

Andy Pompura, 8872 Clipper Drive, neighboring property owner, supported the above statements by his mother and stated that the noise starts as early as 5:15 a.m.

Clark Bevans, COO of Gold's Gym, stated that their relationship with the neighboring residents is important. Mr. Bevans explained what has been done to alleviate noise and indicated that rubberized pads or sleeves could be used to further mitigate noise. He stated that having the back door open from 10:00 a.m. to 3:00 p.m. would help to ventilate the room.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ms. Broeren, staff and the applicant engaged in discussions concerning the quality of air in the subject facility, the prohibitive cost to increase the air conditioning equipment (if approved by the Building Department), soundproofing the equipment, and nuisance issues to the neighboring property owners.

Ms. Broeren confirmed the applicant's understanding of the suggested conditions of approval and asked staff to modify the aforementioned as follows:

- 2.a Any proposed reconfiguration of the floor plan or increase in floor area used for group instruction shall be subject to review and approval by the Planning Department and compliance with applicable HBZSO parking requirements and land use requirements.
- 2.b The gym's rear doors shall be kept closed during business hours, except between the hours of 10:00 a.m. and 12:00 p.m. daily.
- 2.c Rubberized (or other comparable material) sleeves and or matting shall be installed on weight racks and bars, for purposes of reducing noise associated with metal to metal contact incidental to weight lifting exercises, prior to expansion of the facility.

CONDITIONAL USE PERMIT NO. 2006-009 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the conditional use permit provides for expansion of an existing use into and existing adjacent commercial suite with no new construction or intensification over the prior use of the space.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-009:

1. Conditional Use Permit No. 2006-009 to permit a 3,580 sq. ft. expansion of an existing health club into an adjacent commercial suite will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed expansion will not increase the parking requirements at the site nor alter the relationship of the existing structure to the adjacent residential properties. A condition of approval requiring that all doors at the rear of the facility, facing residential property, be kept closed during business hours will ensure no detrimental noise impacts to adjacent property.
2. The conditional use permit will be compatible with surrounding uses because it provides for the expansion of an existing business into an adjacent commercial suite, in an existing commercial shopping center zoned for commercial use, with no intensification over the prior use, new construction or other alteration of the relationship between the subject property and surrounding land uses. Potential noise impacts to surrounding residential land uses will be minimized by a condition of approval requiring that all doors at the rear of the facility be closed during business hours.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed use is permitted in the CG (Commercial General) zoning district (with approval of a conditional use permit) and does not require additional on-site parking.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

ED 2.4.1: Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

The requested conditional use permit accommodates the existing gym owner's desire to expand the existing facility in order to serve the recreational needs of the community.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-009:

1. The site plan and floor plan received and dated April 25, 2006 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Any proposed reconfiguration of the floor plan or increase in floor area used for group instruction shall be subject to review and approval by the Planning Department and compliance with applicable HBZSO parking requirements and land use requirements.
 - b. The gym's rear doors shall be kept closed during business hours, except between the hours of 10:00 a.m. and 12:00 p.m. daily.

- c. Rubberized (or other comparable material) sleeves and or matting shall be installed on weight racks and bars, for purposes of reducing noise associated with metal to metal contact incidental to weight lifting exercises, prior to expansion of the facility.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof

THE MEETING WAS ADJOURNED AT 2:40 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, MAY 24, 2006 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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